3731

Docket No. 29000004-000008

PATENT

CERTIFICATE OF MAILING
Date of Deposit: March 14, 2005
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W. Edward Ramage

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	MCDONALD	:	Paper No.:	
Serial No.:	10/014,373	:	Group Art Unit:	3731
Filing Date:	November 9, 2001	:	Examiner:	Thaler, Michael H.

For: **SURGICAL INSTRUMENTS AND METHOD FOR CORNEAL REFORMATION**

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment dated March 10, 2005, attached please find the corrected "Amendments to the Claims" section of the amendment filed on December 22, 2004. Claims 1-27 and 36-38 are canceled, and the status identifier in the listing of claims has been modified accordingly.

Respectfully submitted,

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Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

Claims 1-27 (canceled).

Claim 28 (currently amended). A surgical instrument for use in corneal reconstruction comprising:

a connecting end ~~handle~~; and

a spatula-like member having a proximal end supported by said connecting end ~~handle~~ and a distal tip opposite said proximal end, said spatula-like member including an arcuate distal section formed in a plane along a curvature, and further including a fluid passageway therein that is surrounded by a sidewall with a leading side and a trailing side, said fluid passageway being in fluid communication with a fluid source, with said leading side further including a plurality of apertures whereby fluid from said fluid source may be ejected onto the cornea ~~and having a trapezoidal cross-sectional shape~~.

Claim 29 (currently amended). The surgical instrument of claim 28 wherein said spatula-like member has a trapezoidal cross-sectional shape ~~includes a fluid passageway therein that is surrounded by a sidewall, said fluid passageway being in fluid communication with a fluid source~~.

Claim 30 (currently amended). The surgical instrument of claim 28 ~~29~~ wherein said spatula-like member has a circular or oval or triangular cross-sectional shape ~~sidewall includes a plurality of apertures whereby fluid from said fluid source may be ejected onto the cornea~~.

Claim 31 (currently amended). The surgical instrument of claim 28 ~~29~~ wherein said distal tip includes an aperture ~~arperture~~ whereby fluid from said fluid source may be ejected onto the cornea.

Claim 32 (currently amended). The surgical instrument of claim 28 ~~29~~ wherein said fluid source is a syringe connected to said connecting end ~~said member is adapted to be connected to a syringe that contains fluid~~.

Claim 33 (currently amended). The surgical instrument of claim 28 wherein said spatula-like member has a height of no greater than about 0.5 millimeters.

Claim 34 (original). The surgical instrument of claim 28 wherein said distal section has a length of about 10 millimeters to about 15 millimeters.

Claim 35 (original). The surgical instrument of claim 28 wherein said distal section curvature has a radius of curvature between about 10 millimeters and about 40 millimeters.

Claims 36-38 (canceled).

Claim 39 (new). The surgical instrument of claim 28 wherein there are 15 to 25 apertures.

Claim 40 (new). The surgical instrument of claim 28 wherein the diameter of said apertures ranges from about 0.05 millimeters to 0.10 millimeters.

Claim 41 (new). The surgical instrument of claim 28 wherein the apertures are evenly spaced about 0.4 millimeters apart along said leading side.

Claim 42 (new). The surgical instrument of claim 28 wherein said distal section curvature has a radius of curvature between about 8 millimeters and about 12 millimeters.

Claim 43 (new). The surgical instrument of claim 28 wherein said proximal end is oriented with respect to the distal section to form a vertical angle of about 40 degrees to about 60 degrees.

Claim 44 (new). The surgical instrument of claim 29 wherein said trapezoidal spatula-like member has a top side and an opposing contact side, said top side having a width of about 0.5 millimeters to about 1.0 millimeters, and said contact side having a width of about 0.75 millimeters to about 1.25 millimeters.